

REMARKS

Reconsideration of the application as amended is requested.

While not acknowledging that Claims 1-4 were, prior to this Amendment, unpatentable under 35 U.S.C. 103(a) over Jacinto et al. (U.S. Patent No. 5,152,495) in view of Doreste (U.S. Patent No. 6,267,127) and Adam et al. (U.S. Patent No. 3,961,671), the Applicant submits that the currently amended version of Claim 1 clearly avoids the referenced prior art by incorporating limitations not present therein.

As currently amended, DeVenezia Claim 1 now teaches the use of variable-speed reversible DC motor controlled by a switch comprising a double-pole, double throw element to control motor direction and a rheostat element to regulate motor speed. Both of the aforesaid switch elements are schematically depicted in Fig. 3 and thus do not comprise new matter. These limitations are not taught by either Jacinto (single-speed, non-reversible DC motor) or Adams (single-speed, reversible AC motor).

Moreover, DeVenezia Claim 1 as currently amended now specifies coordination between the orientation of the auger's helical flighting and the direction of the motor's rotation in order to facilitate insertion and extraction of the auger into/from the ground. These features are disclosed in the Specification paragraphs [0008] and [0018] and thus do not constitute new matter. Among the cited prior art references, only Adams arguably teaches reversal of the motor's rotation as a method of backing the earth anchor out of the ground.

But Adams neither teaches nor suggests any coordination between the direction of anchor rotation and the orientation of its helix element. In fact, Adams teaches against such coordination, since it does not describe a screw-type auger, but rather a "single turn

helix” (Col. 6, lines 12-15 and Fig. 3). Since the Adams anchor has no screw-type helical flighting, it has neither a “right-handed” (clockwise flighting) nor “left-handed” (counter-clockwise flighting) orientation which can be coordinated with the direction of the motor’s rotation to facilitate insertion and extraction of the anchor from the ground.

As currently amended, DeVenezia Claim 6 goes well beyond the detachable anchor coupling arguably taught by Adams. Claim 6 now specifies that the auger is replaceable by alternate augers having helical flighting of different widths and pitches designed for different types of terrain. None of the cited references teach or suggest this innovation. This feature is described in paragraph [0022] of the Specification and thus does not constitute new matter.

In light of the current amendments to Claims 1 and 6, and the foregoing arguments, the Applicant respectfully requests that the preliminary rejection of Claims 1-8 on the grounds of obviousness be reconsidered.

On the basis of the above Amendment and Remarks, allowance of this application is deemed warranted.

No additional fee is due.

Respectfully submitted,

Dated: February 7, 2006

Thomas J. Germinario
Reg. No. 52,939
Attorney for Applicant
154 Route 206
Chester, New Jersey 07930